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October 21, 2015

Via ECF and U.S. Mail

The Honorable William H. Pauley III
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Hart, et al. v. BHH, LLC d/b/a Bell + Howell, et al.*, Case No. 15-cv-04804

I represent Plaintiffs in the above action. I write pursuant to Local Civil Rule 37.2 and Rule I.A of Your Honor's Individual Practices to request a pre-motion conference. Plaintiffs seek to file a motion to compel Defendants' discovery responses and document production, and for payment of expenses pursuant to Fed. R. Civ. P. 37(a). As detailed below, Defendants' discovery responses are now more than three weeks past due.

On August 24, 2015, Plaintiffs served their first sets of requests for production and interrogatories on Defendants. Pursuant to Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A), and 6(d), Defendants' discovery responses came due 33 days later, on September 28, 2014.

On October 5, 2015, I emailed Defendants' counsel notifying them that Defendants' discovery responses were past due and inquiring when we could expect to receive them. Defendants' counsel did not respond to my email.

On October 8, 2015, I emailed Defendants' counsel a second time, stating that if we did not receive Defendants' discovery responses promptly, we would "raise the issue with the Court and seek expenses and fees pursuant to Fed. R. Civ. P. 37."

Later that day, Defendants' counsel contacted me and my colleague, Joseph Marchese, by telephone, and stated that Defendants needed more time to compile their discovery responses. Defendants' counsel then stated that they would serve Defendants' discovery responses and complete document production by no later than October 20, 2015. Plaintiffs agreed not to raise this issue with the Court if Defendants' discovery responses and document production were received by October 20, 2015.

To date, Defendants have still failed to serve discovery responses or responsive documents (other than documents produced with their initial disclosures). Plaintiffs therefore request a pre-motion conference in advance of their contemplated motion pursuant to Fed. R. Civ. P. 37(a) to compel Defendants' discovery responses and production, and for payment of expenses.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Y. Kopel", is centered on the page. The signature is fluid and cursive.

Yitzchak Kopel

CC: All counsel of record (via ECF)